

ORDINANCE NO. C-34-76

AN ORDINANCE TO PROVIDE FOR FURNISHING AND OPERATING AND MAINTAINING A LIGHTING SYSTEM TO LIGHT THE STREET, ALLEYS AND PUBLIC PLACES IN THE CITY OF GROVE CITY, FRANKLIN COUNTY, OHIO

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GROVE CITY, STATE OF OHIO:

SECTION 1. That the Columbus and Southern Ohio Electric Company, its successors and assigns, (herein called the "Company") is hereby vested with the right to light with electricity the streets, alleys and other public places in the municipality of Grove City, Ohio, (herein called the "Municipality") and the Company shall have the right to charge and receive from the Municipality payment for said services in accordance with the schedule of rates set forth below. All fixtures shall be mounted on wood poles, unless otherwise stated, and energized by overhead or underground distribution facilities.

<u>NUMBER</u>	<u>Size In Lumens</u>	<u>TYPE</u>	<u>RATE PER LAMP PER MONTH</u>
<u>479</u>	<u>8000</u>	<u>OBS -MV</u>	<u>\$4.00</u>
<u>113</u>	<u>8000</u>	<u>OBS-MV New Pole</u>	<u>\$4.25</u>
<u>74</u>	<u>25000</u>	<u>Glass Enclosed - MV</u>	<u>\$6.50</u>
	<u>25000</u>	<u>Glass Enclosed-MV New Pole</u>	<u>\$6.75</u>
<u>15</u>	<u>50000</u>	<u>Glass Enclosed-High Pressure</u>	
		<u>Sodium</u>	<u>\$9.50</u>
	<u>50000</u>	<u>Glass Enclosed-High Pressure</u>	<u>\$9.75</u>
		<u>Sodium-New Pole</u>	

SECTION 2. The amount of energy used by each lamp is calculated on the basis of all night burning every day of the year, or approximately 4000 hours per year (an average of 333.3 hours per month). In addition to the charges set forth in Section 1 above, the Company will, each month, apply the following fuel adjustment to the total average KWH per month for all the lamps billed during the period.

The energy charge applicable to all kilowatt-hours of energy consumed shall be increased or decreased .0011¢ per KWH per each full one-tenth cent (.1¢) increase or decrease above or below forty-one cents (41¢) in the average cost per million (1,000,000) BTU of fuel consumed at the Company's generating stations during the most recent month preceding the billing date for which fuel costs have been determined.

SECTION 3. Payment for the service furnished hereunder shall be made monthly, in accordance with bills rendered therefor by the Company at the end of each period, each payment to be due within 15 days of the submission of the bill therefor, overdue payments to bear interest at the rate of 6% per annum until paid. Should the Municipality default in four (4) successive payments, the Company may at any time discontinue service hereunder without notice so long as any default exists; provided, however, that no charge shall be made by the Company for service hereunder during any period in which service is so discontinued. In the event of such default the Company upon written notice to the Municipality may terminate this agreement.

SECTION 4. The Company agrees during the term hereof to install additional street lights of the type and size specified above, when authorized to do so by the Director of Public Service. Provided, however, that the new street lights shall be located within 250 feet of a distribution circuit of the Company.

SECTION 5. The minimum number of street lights shall not be less than the sum of the total number specified above, and whenever additional lights are installed, the minimum number of lights shall be increased accordingly.

SECTION 6. It is further agreed that the Company shall move street lights to new locations, or change the type of fixtures to another type specified above as requested by the Director of Public Service; provided, however, that the actual cost to the Company in making such relocations or changes in the fixtures, shall be paid for by the Municipality.

SECTION 7. The Company shall make every effort to keep the street lighting system contracted for in operation during the time provided. If, for any reason, the Company fails to do so for more than an aggregate of four (4) hours in any one month, and upon written notice of such aggregate outage furnished to the Company by the Municipality within ten (10) days of the end of such month, there shall be a pro rata reduction from the bill to cover such outages. No liability shall attach to the Company for any outage.

SECTION 8. The Company shall not be required to install additional street lights or maintain or replace lamps in the event that the Municipality is in arrears in payment for services rendered, nor shall the Company be required to install more than six (6) street lights during the last year which this Ordinance is in effect.

SECTION 9. The Company at its own expense shall exercise reasonable diligence to insure that the lighting system is in good order and that all street lights are burning and shall make replacements as soon as possible following notification by the customer of the need for such service, but the Company shall not be required to perform any such replacement or maintenance except during regular working hours.

SECTION 10. The Company shall save the Municipality harmless from any and all liability occasioned by the sole negligence of the Company in the construction, maintenance and operation of its street lighting system in the Municipality.

SECTION 11. Title to all wire, poles, lamps and appurtenances used by the Company in furnishing the service contemplated in the Ordinance is and shall be the Company.

SECTION 12. All the rights and privileges granted to, and the obligation imposed upon the said Company, as recited in this contract, shall respectively inure to the benefit of and be binding upon its successors and assigns.

SECTION 13. That all ordinances or resolutions, or parts thereof, that are inconsistent or in conflict herewith be and the same are hereby repealed.

SECTION 14. That this Ordinance shall take effect and be in force from and after thirty days from its passage, and shall remain in effect for a period of five (5) years from its passage; subject to prior termination as hereinafter provided in Section 15; and provided further that it shall have been accepted by the Company by written acceptance filed in the Office of the Clerk of the Municipality.

SECTION 15. That the Municipality by legislative action, or the Company shall have the right to terminate as of the effective date of this Ordinance, of any year, commencing in 1978 and ending in 1981, this Ordinance and the rate schedule contained in Section 1 of this Ordinance upon written notice filed with other party hereto at least thirty (30) days prior to such termination date.

Passed this 5th day of April, 1976.

Submitted: 3/15/76

Passed: 4/5/76

Effective: 5/5/76

James R. McDonald
President of Council

Michael T. Brandt
Michael T. Brandt, Mayor

June A. Cook
June A. Cook, Clerk of Council

I Certify that this Ordinance is

correct as to form:

[Signature]
Director of Law

I Certify that this is a true and correct copy of Ordinance No. C-34-76 approved by the Council of the City of Grove City on April 5, 1976.

June A. Cook, Clerk of Council